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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MOORTHY, ARAVIND K

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,312

Applicant(s)

ISHIGURO ET AL.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the RCE filed on 7 August 2006.
2. Claims 1-11 are pending in the application.
3. Claims 1-11 have been rejected.
4. Claims 12-25 have been cancelled.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7 August 2006 has been entered.

Response to Arguments

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Epstein
U.S. Patent No. 6,490,355 B1.**

As to claims 1, 4 and 5, Epstein discloses a transmitter device which transmits a content to a receiver device by driving a recording medium that stores the content and management data changed based on usage of the content, the transmitter device comprising:

storage means for storing a hash value of calculated on the basis of the management data [column 8, lines 10-51];

communication means which, in the authenticating of the receiver device, transmits the management data to the receiver device while receiving a hash value calculated on the basis of the management data and a hash value calculated on the basis of management data changed based on the usage of the content from the receiver device [column 8, lines 10-51]; and

determination means for determining whether hash value of the management data received by the communication means matches the hash value of the second data stored in the storage means [column 9 line 53 to column 10 line 19]; and

updater means for updating the hash value of the management data stored in the storage means to the hash value of the changed management data [column 11, lines 11-27].

As to claim 2, Epstein discloses that the storage means inhibits the writing or reading of the hash value of the management data in a process other than the authentication process [column 10, lines 55-67].

As to claims 6, 9 and 10, Epstein discloses a receiver device for receiving a content from a transmitter device, the receiver device comprising:

communication means which, in the authenticating of the transmitter device, receives, from the transmitter device, a management data changed based on usage of the content while transmitting hash value calculated on the basis of the management data to the transmitter device [column 8, lines 10-51]; and

encrypted value generator means for generating the hash value of the management data based on the management data received by the communication means, in the authenticating of the transmitter device [column 8, lines 10-51], the hash value for detecting whether the management data has been tampered [column 10, lines 55-67].

As to claim 7, Epstein discloses a receiver device further comprising a random number generator means for generating a random number having a predetermined bit number [column 9, lines 37-52]. Epstein discloses that the communication means transmits, to the transmitter device, the hash value of the management data together with the random number generated by the random number generator means [column 9, lines 37-52].

As to claim 8, Epstein discloses a receiver device further comprising

data generator means for generating management data changed based on the usage of the content [column 8, lines 10-51],

wherein the encrypted value generator means generates a hash value generated on the basis of the changed management data [column 8, lines 10-51], and

the communication means transmits, to the transmitter device, the hash value of the management data together with the hash value of the changed management data [column 8, lines 10-51].

As to claim 11, Epstein discloses a communication system comprising a transmitter device which transmits a content by driving a recording medium that stores the content and management data changed based on usage of the content, and a receiver device for receiving the content;

the transmitter device comprising:

storage means for storing a hash value calculated on the basis of the management data [column 8, lines 10-51];

first communication means which, in the authenticating of the receiver device, transmits the management data to the receiver device while receiving a hash value calculated on the basis of the management data and a hash value calculated on the basis of management data changed based on the usage of the content from the receiver device [column 8, lines 10-51]; and

determination means for determining whether the hash value of the management data received by the communication means matches the hash value of the management data stored in the storage means [column 9 line 53 to column 10 line 19]; and

updater means for updating the hash value of the management data stored in the storage means to the hash value of the changed management data; and the receiver device comprising:

second communication means which, in authenticating of the transmitter device, receives from the transmitter device, a management data changed based on usage of the content and transmits a hash value calculated on the basis of the management data to the transmitter device [column 9 line 53 to column 10 line 19]; and

encrypted value generator means for generating the hash value of the management data based on the management data received by the communication means, in the authenticating of the transmitter device, the hash value for detecting whether the management data has been tampered with or not [column 9 line 53 to column 10 line 19].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein U.S. Patent No. 6,490,355 B1 as applied to claim 1 above, and further in view of Bernecker U.S. Patent No. 5,435,599.

As to claim 3, Epstein does not teach that the storage means has a tamper resistance.

Bernecker teaches a tamper resistant storage medium and its benefits [abstract].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Epstein so that the storage medium as taught in the combination above would have been tamper resistant.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Epstein by the teaching of Bernecker because it solves the problem of falsification and tampering of recording mediums [column 2 line 67 to column 3 line 15].

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy *AM*
October 11, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

